IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 10029 of 2004

Between:
G. Venkateaswarlu S/o Punnaiah
R/o Unnava, Yadlapadu Mandal, Guntur District

..... PETITIONER

AND

1 The Superintendent Engineer, Panchayat Raj Department, Guntur, Guntur District
2 The Executive Engineer, Panchayat Raj Department. Guntur District
3 The Pay and accountants Officer, W&P Guntur, Guntur District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particulalry one in the nature of Writ of Mandamus declaring the action of the respondents in deducting the segniorage fee for ordinary earth from out of the bills payable to the petitioner for executing the contract works covered under agreement No.1/2001-2002 dated 18-5-2001 in respect of the execution of the work of BT to the road from Varagani to Kopparru (via0 Anaparru as illegal, arbitrary, unjust and without jurisdiction and consequently direct the respondents to pay the bills payable to the petitioner without collecting the segnirage fee from the petitioner for ordinary earth

For the Petitioner:MR.PRABHU NATH VASIREDDY

For the Respondent No.: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court Made the Following :

ORDER:

This writ petition is filed praying for a direction to the respondents not to deduct seigniorage fee on ordinary earth from out of the bills payable to the petitioner.

The petitioner was awarded contract work of BT road from Varagani to Kopparru (via) Anaparru. An agreement in this regard was entered into in May, 2001. The complaint of the petitioner is that while making the payment in respect of the contract work, the respondents are collecting seigniorage fee on ordinary earth.

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayatraj and Rural Development.

It is submitted by both the counsel that in similar Writ Petition No.24393 of 2002, this Court by order dated 17-12-2002 took the view that the respondents are not entitled to collect seigniorage fee on the ordinary earth in respect of the execution work covered under the agreement and both the counsel agreed to dispose of the writ petition in terms of the above judgment.

In an identical situation this Court disposed of Writ Petition No.24393 of 2002 with the following observation:

"In view of the aforesaid submissions of the counsel for the respondents, the writ petition is disposed of directing the respondents not to collect any seigniorage fee for ordinary earth in respect of execution of contract covered under agreement No.21/SE-2000-2001 dated 12-2-2001. There shall be no order as to costs."

Following the same, the writ petition is disposed of directing the respondents not to collect any seigniorage fee for the ordinary earth in

respect of the execution of the work undertaken by the petitioner.

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21-6-2004

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1 The Superintendent Engineer, Panchayat Raj Department, Guntur, Guntur District
2 The Executive Engineer, Panchayat Raj Department. Guntur District
3 The Pay and accountants Officer, W&P Guntur, Guntur District
4. 2 C.Cs. to G.P. for Panchayat Raj and Rural Development, High court Buildings (O.U.T)
5. 2 C.D. copies